

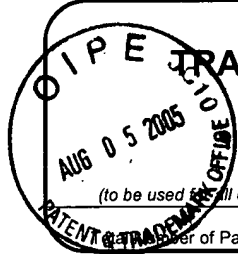
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HW
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165-3

PTO/SB/21 (09/04)

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TRANSMITTAL FORM

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Application Number	10/817,058
Filing Date	April 2, 2004
First Named Inventor	BAKER, et al.
Art Unit	1653
Examiner Name	Mayer, Suzanne Marie
Attorney Docket Number	BA-32448(1)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Declaration under Rule 131
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Form 1449
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	Copy of 4 references
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="text"/> Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Whyte Hirschboeck Dudek S.C.		
Signature	<i>Kristine M. Strodthoff</i>		
Printed name	Kristine M. Strodthoff		
Date	8/5/5	Reg. No.	34,259

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. BA-32448(1)

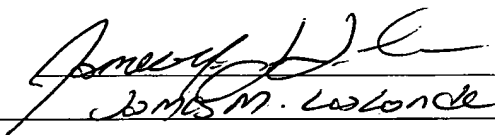
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BAKER et al.
Serial No. : 10/817,058
Filing Date : April 2, 2004
For : Method of Treating Cardiac Ischemia by Using Erythropoietin
Group Art Unit: 1653
Examiner : MAYER, Suzanne Marie
Confirmation No.: 2664

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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James H. Leavelle

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RESPONSE AFTER FINAL

Sir:

Applicant requests consideration of the pending claims in the above-identified patent application based on the remarks herein.

Amendments to the Claims are reflected in the listing of the claims, which begins on page 2 of this paper.

Supplemental Information Disclosure Statement begins on page 7 of this paper.

Remarks begin on page 8 of this paper.

Appendix begins at page 12 of this paper.

Declaration under 37 CFR § 1.131

Form 1449/PTO and copy of four (4) references